



## BRP WP 59c

# DEP Approval or Issuance of Variance for Increased Flow Instructions and Supporting Materials

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### Introduction

DEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the DEP Web site at [mass.gov/dep](http://mass.gov/dep) in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

*Instructions & Support Materials* files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

*Permit Applications* in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



## BRP WP 59c

# DEP Approval or Issuance of Variance for Increased Flow Permit Fact Sheet

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Note: When completing the DEP Transmittal Form, write the "c" immediately after the space provided for the seven digit character code at the top of the Form.

### 1. What is the purpose of DEP approval or issuance of a Title 5 variance?

DEP approval or issuance of variances is necessary to ensure, generally, that the applicant has demonstrated that the proposed system for disposal of sanitary sewage can maintain a level of environmental protection at least equivalent to the requirements of Title 5, without strict application of the specific provision(s) from which a variance is sought, and that enforcement of the provision would be manifestly unjust.

This application is for review and approval of Title 5 variance requests only, and does not apply to any local bylaws. BRP WP 59c is to be used for applications for increased flow to an existing system.

You must obtain approval from DEP for these activities:

- Variances granted by the Board of Health pursuant to 310 CMR 15.000, with the exception of those listed in 3210 CMR 15.412(4), for which no DEP approval is required.
- Variance from a provision of Title 5 which only DEP may grant pursuant to 310 CMR 15.414.
- Variance for increased flow to large systems or to systems which, with the increase in flow, will have a design flow of 10,000 - 14,999 gallons per day, pursuant to 310 CMR 15.006 and 15.414.

### 2. Who must apply?

Anyone proposing to obtain a variance under 310 CMR 15.414 for increased flow to an existing system must apply for BRP WP 59c.

Note that anyone proposing to obtain a variance(s) from 310 CMR 15.000, other than for increased flow, a variance listed in 310 CMR 15.412(4), a variance for schools pursuant to 310 CMR 15.416, or a variance from percolation rate pursuant to 310 CMR 15.417 must use a different form: BRP WP 59b.

If these categories do not apply to you, please be advised these are not the only permit or variance categories for Title 5 on-site sewage disposal systems. Please review the Timely Action Schedule and Fee Provisions, 310 CMR 4.00 and Title 5 of the State Environmental Code, 310 CMR 15.000 to determine whether another category may apply to you.

### 3. What other requirements should be considered when applying for a variance?

- Variances to Title 5 for schools, reviewed and approved by the Department pursuant to 310 CMR 15.416, require an application under BRP WP 60. Do not use the BRP WP 59 application form for such variance requests.
- Variances for increased flow to a large system or to a system that would result in a design flow of 10,000 gpd or greater do not require prior written approval by the Board of Health under Title 5.



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#### 4. What is the application fee?

The application fee is \$230.

#### 5. What is the Primary Permit Location? What is the Reserve Copy Location?

*Primary Permit Locations:*

**For BRP WP 59b and 59c:**  
**Department of Environmental Protection**  
**\* Regional Office**  
**Title Permitting Program**

\*See the list of addresses for DEP Regional Offices.  
*There are no Reserve Copy Locations for these permits.*

#### 6. What are the timelines?

	AC	T1	T2*
<b>BRP WP 59c</b>		N/A	30 30

\*(A second technical review will be conducted only if necessary).

*There is no public comment review period as part of the Department's application process for these categories.*

#### 7. What is the annual compliance fee?

There is no annual compliance fee for this category.

#### 8. How long is a variance in effect?

This approval remains in effect as long as the system and facility served remain unchanged or until the approval is revoked or modified.

#### 9. How can I avoid the most common mistakes made in applying for a variance?

- Review the application for completeness to be sure all questions are answered correctly.
- Make sure the adequate number of copies of plans and specifications are complete and signed and stamped by a Massachusetts Registered Sanitarian or Professional Engineer, whichever is appropriate.
- Attach a copy of the written variance granted by the Board of Health.
- Submit fee and a copy of the DEP Transmittal Form to: Department of Environmental Protection, P. O. Box 4062, Boston, MA 02211.



Massachusetts Department of Environmental Protection  
Bureau of Bureau of Resource Protection - Title 5 Permitting

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### **10. What are the regulations that apply to variances? Where can I get copies?**

These regulations include, but are not limited to:

- a. Title 5 Regulations, 310 CMR 15.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

State House Bookstore  
Room 116  
Boston, MA 02133  
617-727-2834

State Bookstore  
436 Dwight Street, Room 102  
Springfield, MA 01103  
413-784-1376

DEP Regulations also may be obtained from DEP's web site at [www.mass.gov/dep](http://www.mass.gov/dep).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Title 5 Permitting

## BRP WP 59c

# DEP Approval or Issuance of Variance for Increased Flow Application Completeness Checklist

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To submit a BRP WP 59c Application, complete the steps outlined below:

1. ☐ The DEP Transmittal Form is completed. When completing the Transmittal Form, write the "c" immediately after the space provided for the seven-digit character code at the top of the Form.
2. ☐ A DEP application form for the appropriate permit category has been completed. The following information has been provided:
3. ☐ Name and address of applicant and system/facility owner.
4. ☐ Location (address) of facility and system.
5. ☐ Name, address and telephone number of design engineer or sanitarian.
6. ☐ Two (2) complete sets of plans and specifications (4 for Springfield office filings) have been properly signed and stamped by a Massachusetts Registered Professional Engineer or Massachusetts Registered Sanitarian, whichever is appropriate.
7. ☐ A copy of a signed letter from the Board of Health granting the requested variance(s), if applicable.
8. ☐ Copy and proof of notification to abutters if required by 310 CMR 15.411 is included.

To submit the application package:

- ☐ Checklist items have been completed.
- ☐ Send two (2) copies of the application along with the *original* DEP Transmittal Form to:  
  
Department of Environmental Protection  
\_\_\_\_\_ \* Regional Office  
Title 5 Permitting Program  
\*See list of addresses for DEP Regional Offices.
- ☐ Send fee of \$230 in the form of a check or money order made payable to *Commonwealth of Massachusetts*, along with a **copy** of the DEP Transmittal Form to:  
  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211



## Massachusetts Department of Environmental Protection

# Addresses and Phone Numbers

DEP Boston  
One Winter Street  
Boston, MA 02108  
Telephone: (617) 292-5500  
Fax: (617) 556-1049  
TDD: (617) 574-6868

William X. Wall Experiment Station  
37 Shattuck Street  
Lawrence, MA 01843  
Fax: (978) 688-0352  
*Division of Environmental Analysis*  
Telephone: (978) 682-5237  
*Air Quality Surveillance*  
Telephone: (978) 975-1138

Office of Watershed  
Management  
627 Main Street  
Worcester, MA 01608  
Telephone: (508) 792-7470  
Fax: (508) 839-3469

DEP Western Region  
436 Dwight Street  
Suite 402  
Springfield, MA 01103  
Phone: (413) 784-1100  
Fax: (413) 784-1149



Adams  
Agawam  
Alford  
Amherst  
Ashfield  
Becket  
Belchertown  
Bernardston  
Blandford  
Brimfield  
Buckland  
Charlemont  
Cheshire  
Chester  
Chesterfield  
Chicopee  
Clarksburg

Colrain  
Conway  
Cummington  
Dalton  
Deerfield  
Easthampton  
East Longmeadow  
Egremont  
Erving  
Florida  
Gill  
Goshen  
Granby  
Granville  
Great Barrington  
Greenfield  
Hadley

Hampden  
Hancock  
Hatfield  
Hawley  
Heath  
Hinsdale  
Holland  
Holyoke  
Huntington  
Lanesborough  
Lee  
Lenox  
Leverett  
Leyden  
Longmeadow  
Ludlow  
Middlefield

Monroe  
Montague  
Monterey  
Montgomery  
Monson  
Mount Washington  
New Ashford  
New Marlborough  
New Salem  
North Adams  
Northampton  
Northfield  
Orange  
Otis  
Palmer  
Pelham  
Peru

Pittsfield  
Plainfield  
Richmond  
Rowe  
Russell  
Sandisfield  
Savoy  
Sheffield  
Shelburne  
Shutesbury  
Southampton  
South Hadley  
Southwick  
Springfield  
Stockbridge  
Sunderland  
Tolland

Tyringham  
Wales  
Ware  
Warwick  
Washington  
Wendell  
Westfield  
Westhampton  
West Springfield  
West Stockbridge  
Whately  
Wilbraham  
Williamstown  
Windsor  
Worthington

DEP Central Region  
627 Main Street  
Worcester, MA 01608  
Phone: (508) 792-7650  
Fax: (508) 792-7621  
TDD: (508) 767-2788



Acton  
Ashburnham  
Ashby  
Athol  
Auburn  
Ayer  
Barre  
Bellingham  
Berlin  
Blackstone  
Bolton  
Boxborough  
Boylston  
Brookfield

Charlton  
Clinton  
Douglas  
Dudley  
Dunstable  
East Brookfield  
Fitchburg  
Gardner  
Grafton  
Groton  
Harvard  
Hardwick  
Holden  
Hopedale

Hopkinton  
Hubbardston  
Hudson  
Holliston  
Lancaster  
Leicester  
Leominster  
Littleton  
Lunenburg  
Marlborough  
Maynard  
Medway  
Mendon  
Milford

Millbury  
Millville  
New Braintree  
Northborough  
Northbridge  
North Brookfield  
Oakham  
Oxford  
Paxton  
Pepperell  
Petersham  
Phillipston  
Princeton  
Royalston

Rutland  
Shirley  
Shrewsbury  
Southborough  
Southbridge  
Spencer  
Sterling  
Stow  
Sturbridge  
Sutton  
Templeton  
Townsend  
Tyngsborough  
Upton

Uxbridge  
Warren  
Webster  
Westborough  
West Boylston  
West Brookfield  
Westford  
Westminster  
Winchendon  
Worcester

DEP Southeast Region  
20 Riverside Drive  
Lakeville, MA 02347  
Phone: (508) 946-2700  
Fax: (508) 947-6557  
TDD: (508) 946-2795



Abington  
Acushnet  
Attleboro  
Avon  
Barnstable  
Berkley  
Bourne  
Brewster  
Bridgewater  
Brockton  
Carver  
Chatham  
Chilmark

Dartmouth  
Dennis  
Dighton  
Duxbury  
Eastham  
East Bridgewater  
Easton  
Edgartown  
Fairhaven  
Fall River  
Falmouth  
Foxborough  
Franklin

Freetown  
Gay Head  
Gosnold  
Halifax  
Hanover  
Hanson  
Harwich  
Kingston  
Lakeville  
Mansfield  
Marion  
Marshfield  
Mashpee

Mattapoisett  
Middleborough  
Nantucket  
New Bedford  
North Attleborough  
Norton  
Norwell  
Oak Bluffs  
Orleans  
Pembroke  
Plainville  
Plymouth  
Plympton

Provincetown  
Raynham  
Rehoboth  
Rochester  
Rockland  
Sandwich  
Scituate  
Seekonk  
Sharon  
Somerset  
Stoughton  
Swansea  
Taunton

Tisbury  
Truro  
Wareham  
Wellfleet  
West Bridgewater  
Westport  
West Tisbury  
Whitman  
Wrentham  
Yarmouth

DEP Northeast Region  
One Winter Street  
Boston, MA 02108  
Telephone: (617) 654-6500  
Fax: (617) 556-1049  
TDD: (617) 574-6868



Amesbury  
Andover  
Arlington  
Ashland  
Bedford  
Belmont  
Beverly  
Billerica  
Boston  
Boxford  
Braintree  
Brookline  
Burlington  
Cambridge  
Canton  
Carlsle

Chelmsford  
Chelsea  
Cohasset  
Concord  
Danvers  
Dedham  
Dover  
Dracut  
Essex  
Everett  
Framingham  
Georgetown  
Gloucester  
Groveland  
Hamilton  
Haverhill

Hingham  
Holbrook  
Hull  
Ipswich  
Lawrence  
Lexington  
Lincoln  
Lowell  
Lynn  
Lynnfield  
Malden  
Manchester-By-The-Sea  
Marblehead  
Medfield  
Medford  
Melrose

Merrimac  
Methuen  
Middleton  
Millis  
Milton  
Nahant  
Natick  
Needham  
Newbury  
Newburyport  
Newton  
Norfolk  
North Andover  
North Reading  
Norwood  
Peabody

Quincy  
Randolph  
Reading  
Revere  
Rockport  
Rowley  
Salem  
Salisbury  
Saugus  
Sherborn  
Somerville  
Stoneham  
Sudbury  
Swampscott  
Tewksbury  
Topsfield

Wakefield  
Walpole  
Waltham  
Watertown  
Wayland  
Wellesley  
Wenham  
West Newbury  
Weston  
Westwood  
Weymouth  
Wilmington  
Winchester  
Winthrop  
Woburn



Transmittal # \_\_\_\_\_

# BRP WP 59c

Facility ID (if known) \_\_\_\_\_

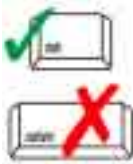
## DEP Approval or Issuance of Variance for Increased Flow

**Please read the Instructions and Supporting Material before filling out this form.**

### A. General Information

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

3. Facility/Proposed System Address (if different from Applicant):

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

4. System Designer Information (Registered Sanitarian (RS) or professional Engineer (PE) for systems under 2,000 gallons per day; PE for systems 2,000 gallons or more per day):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

5. Registration:

\_\_\_\_\_  
Massachusetts Registered P.E.

\_\_\_\_\_  
Massachusetts Registered Sanitarian

\_\_\_\_\_  
Registration Number

6. Does this project require a filing under 301 CMR 11.00, the Massachusetts Environmental Policy Act?

☐ Yes

☐ No

If yes, has a filing been made?

☐ Yes

☐ No

\_\_\_\_\_  
If yes, EOE File #



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# DEP Approval or Issuance of Variance for Increased Flow

Transmittal # \_\_\_\_\_

Facility ID (if known) \_\_\_\_\_

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### A. General Information (cont.)

7. The legal entity that owns or will own this facility is:

☐ Individual      ☐ Municipality      ☐ Private Partnership

☐ Federal      ☐ State/Country      ☐ Corporation

☐ Other: \_\_\_\_\_  
Specify \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

8. Two complete sets of plans and specifications, (four for submittals to the Springfield Office), including a locus map, properly stamped and signed by a Massachusetts Registered Professional Engineer or Massachusetts Registered Sanitarian must accompany the application.

Are the plans and specifications attached?      ☐ Yes      ☐ No

9. If applying for DEP approval of a variance granted by a Board of Health, a copy of the approval issued by the Board of Health having jurisdiction over the system must accompany this application.

Is the approval letter attached?      ☐ Yes      ☐ No

10. If applying for approval of a variance that requires notification to abutters under 310 CMR 15.411, a copy of the certified notification sent to the abutters and proof of notice must accompany this application.

Is a copy of the notification and proof of notice attached?      ☐ Yes      ☐ No





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# DEP Approval or Issuance of Variance for Increased Flow

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### A. General Information (cont.)

11. You must complete the following:

- a) I have established that enforcement of the provision(s) from which a variance is sought would be manifestly unjust, considering all of the relevant facts and circumstances of this case, as follows:
- 1) I have attached a comparison of the costs of full compliance with the requirements applicable to new construction to the costs of compliance with the requested variance.
- ☐ Yes ☐ No
- 2) I have attached documentation demonstrating that an upgrade in full compliance with 310 CMR 15.000 is feasible without the proposed increased flow.
- ☐ Yes ☐ No
- b) I have attached documentation demonstrating that the system, with the increased flow, cannot be brought into full compliance through any of the following:
- an upgraded system which is in full compliance with 310 CMR 15.100 through 15.293;
  - an alternative system which has been approved for such use pursuant to 310 CMR 15.284 (remedial use), 15.285 (piloting), 15.286 (provisional approval), or 15.288 (certification for general use).
  - a shared system which has been approved for such use pursuant to 310 CMR 15.290 and 15.291; or connection to a sewer system.
- ☐ Yes ☐ No
- c) I have attached documentation demonstrating that the upgraded system with the increased flow will provide better protection of public health and safety and the environment than the existing system with no increase in flow.
- ☐ Yes ☐ No

12) Is a copy of the complete application that was submitted to the Board of Health attached?

☐ Yes ☐ No ☐ Application to Board of Health not required

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### B. Certification

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Name of Preparer

\_\_\_\_\_  
Date